

1473 Rec'd PCT/PTO 03 APR 2008

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 8077-003-US U.S. APPLICATION NO. (If known, see 37 CFR 1.5) TBD 107574677
INTERNATIONAL APPLICATION NO. PCT/US04/33157	INTERNATIONAL FILING DATE October 8, 2004	PRIORITY DATE CLAIMED October 9, 2003/March 23, 2004
TITLE OF INVENTION method of Treating Airway Diseases with Beta-Adrenergic Inverse Agonists		
APPLICANT(S) FOR DO/EO/US Invereson, Inc.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TBD 10/574677		PCT/US04/33157		8077-003-US																																																	
20. Other items or information:																																																					
<p>The following fees have been submitted</p> <table border="1"> <tr> <td colspan="2">21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$300</td> <td>CALCULATIONS</td> <td colspan="2">PTO USE ONLY</td> </tr> <tr> <td colspan="2">22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))</td> <td>\$300</td> <td>\$</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td>\$</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">All other situations.....</td> <td>\$200</td> <td></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td>\$</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....</td> <td>\$100</td> <td>\$</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....</td> <td>\$400</td> <td>\$</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">All other situations.....</td> <td>\$500</td> <td></td> <td colspan="2"></td> </tr> </table>						21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....		\$300	CALCULATIONS	PTO USE ONLY		22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$300	\$			If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0	\$			All other situations.....		\$200				23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0	\$			Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....		\$100	\$			International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....		\$400	\$			All other situations.....		\$500			
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Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).																																																					
<table border="1"> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td colspan="2">\$</td> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x \$ 50</td> <td colspan="2">\$</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x \$200</td> <td colspan="2">\$</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> <td colspan="2">\$</td> </tr> </table>						CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total claims	- 20 =		x \$ 50	\$		Independent claims	- 3 =		x \$200	\$		MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$																									
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Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).																																																					
TOTAL NATIONAL FEE =																																																					
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property																																																					
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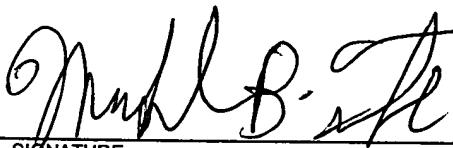
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- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 502235 in the amount of \$ 150 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CATALYST LAW GROUP, APC
9710 SCRANTON ROAD, SUITE 170
SAN DIEGO, CA 92121



SIGNATURE

Michael B. Farber, Ph.D., Esq.
NAME

32-612
REGISTRATION NUMBER

10/374677

IAP20 Rec'd PCT/PTO 03 APR 2006

April 3, 2006

EV669528666US

CERTIFICATE OF EXPRESS MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail Envelope No: EV669528663 US addressed to:
Mail Stop: PCT. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 3, 2006
Date of Deposit

Sara Hare
Name of Person Mailing Paper


Signature of Person Mailing Paper

Mail Stop: PCT
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Title: Method of Treating Airway Diseases with Beta-Adrenergic Inverse Agonists
Attorney Docket No: 8077-003-US

Dear Commissioner:

Enclosed please find the following documents related to the above-identified matter:

1. Transmittal Letter (2 pages);
2. Form PTO-1390 (3 pages plus duplicate of page 3);
3. Copy of PCT application (99 pages);
4. Application Data Sheet (2 pages);
5. Preliminary Amendment (9 pages); and
6. Self-Addressed, Stamped Postcard

The self-addressed, stamped postcard has been included for your convenience. After confirming receipt of these documents please return the postcard to us at your earliest convenience. Should you have any questions, please do not hesitate to contact me by phone at (858) 450-0099.


Sincerely yours,
Michael B. Farber, Esq.
Reg. No. 32,612

Enclosures

10/574677

PATENT
8077-003-US

JAP20 Rec'd PCT/PTO u 3 APR 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner: To Be Assigned
)	
Bond)	Group Art Unit: To Be Assigned
)	
Serial No.: U.S. National Stage of)	
PCT/US04/33157)	Docket No.: 8077-003-US
)	
Filed: Herewith)	Date Mailed: April 3, 2006
)	
For: METHOD OF TREATING)	
AIRWAY DISEASES WITH BETA-)	
ADRENERGIC INVERSE AGONISTS)	
)	
)	

TRANSMITTAL LETTER

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is to effect entry of PCT Application PCT/US04/33157 into the United States National Stage under 35 U.S.C. § 371 and 37 C.F.R. § 1.495.

Accordingly, the following documents are transmitted:

(1) A copy of the above-identified PCT application. Because the above-identified PCT application was filed in the United States Patent and Trademark Office, the copy is not required under 37 C.F.R. § 1.495(b)(i). The copy is provided for convenience.

10/57467

PATENT

8077-003-US

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(2) An Application Data Sheet Under 37 C.F.R. § 1.76 giving biographical information on the inventors of the above-identified application as well as details of the claim for priority based on a previously-filed provisional application.

(3) A Preliminary Amendment Under 37 C.F.R. § 1.121 to amend the specification and claims of the above-identified application for entry into the United States National Stage.

(4) A fee payment of \$150.00 reflecting the basic national stage fee of \$150.00 for a small entity under 37 C.F.R. § 1.492(a).

Priority under 35 U.S.C. §§ 119 and 365 is hereby claimed for the national stage application. This priority is claimed to: (1) PCT Application No. PCT/US04/33157, filed on October 8, 2004, and designating the United States; (2) United States Provisional Application Serial No. 60/510,250, filed on October 9, 2003, from which PCT Application No. PCT/US04/33157 claimed priority; and (3) United States Provisional Application Serial No. 60/555,797, filed on March 23, 2004, from which PCT Application No. PCT/US04/33157 also claimed priority.

Respectfully submitted,



Date: April 3, 2006

Michael B. Farber, Ph.D., Esq.
Reg. No.: 32,612

CATALYST LAW GROUP, APC
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San Diego, California 92121
(858) 450-0099
(858) 450-9834 (Fax)